

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:98-CR-00037-F-11

UNITED STATES OF AMERICA

v.

JERRY LEE McRAE,

Defendant.

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ORDER

This matter is before the court on Jerry Lee McRae's Motion for Sentence Reduction [DE-955]. McRae argues that he is entitled to a sentence reduction pursuant to Amendments 706 and 711 to the United States Sentencing Guidelines. *Id.* at 1.

The court's authority to modify a sentence is extremely narrow. There are only three circumstances in which modification is allowed: (1) upon motion of the Director of the Bureau of Prisons; (2) as permitted by statute or Federal Rule of Criminal Procedure 35; and (3) where the relevant sentencing guidelines have changed since sentence was imposed. *See* 18 U.S.C. § 3582(c)(1)(A), (1)(B), and (2).

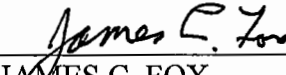
A review of the record reveals that on March 23, 2015, McRae filed a *pro se* motion [DE-906] for sentence reduction pursuant to Amendment 782 and prior amendments. Then, on January 29, 2016, McRae, through counsel, filed an Amended Motion for Reduction of Sentence under 18 U.S.C. § 3582(c) [DE-937]. On October 13, 2016, this court allowed the motion. McRae's sentence was reduced from life imprisonment to 365 months' imprisonment.

Now, less than four months later, McRae is seeking a further reduction. McRae is advised that his reduction under Amendment 782 included all the previous retroactive amendments. Thus, McRae is not entitled to further reduction.

In light of the foregoing, McRae's Motion for Sentence Reduction [DE-955] is DENIED.

SO ORDERED.

This, the 7 day of February, 2017.



JAMES C. FOX
Senior United States District Judge